

BUDGET & FINANCE COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Budget & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on December 1st, 2005.

MEMBERS PRESENT:

Leg. Michael Caracciolo, Chairman
Leg. Daniel P. Losquadro
Leg. Cameron Alden
Leg. William J. Lindsay
Leg. Ricardo Montano

MEMBERS NOT PRESENT:

Leg. Angie Carpenter, Vice•Chairman
Leg. Peter O'Leary.

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to the Legislature
Ian Barry, Assistant Counsel to the Legislature
Ilona Julius, Deputy Clerk
Jim Spero, Director of Budget Review
Lance Reinheimer, Assistant Director of Budget Review
Robert Lipp, Budget Review
Marie Ammirati, Aide to Leg. O'Leary

Carl Yellon, Aide to Leg. Kennedy
Doug Sutherland, Aide to Leg. Carpenter
Ben Zwirn, Assistant Deputy County Executive
Bob Bortzfield, Budget Office, County Executive
Allen Kovesdy, Budget Office, County Executive
Jeanine Dillon, County Executive's Office
Jacqueline Caputi, Assistant County Attorney
Frank Tassone, Aide to Majority Leader
Linda Burkhardt, Chief of Staff, PO's Office

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Alison Mahoney, Court Stenographer

(*The meeting was called to order at 2:32 P.M. *)

CHAIRMAN CARACCILOLO:

Okay, would everyone please rise for the Pledge of Allegiance to be led by Legislator Alden.

Salutation

Thank you. I'd like to request members of the committee to take a look at the Tabled Resolutions. And if there is unanimous consent, I'd like to go right to the three housekeeping IR Resolutions, so if you want to take a minute to look through the Tabled Resolutions. Okay, we have a unanimous consent, very good.

We'll go to today's Introductory Resolutions. Is there anyone in the audience that would like to address the committee? Yes, Legislator Alden.

LEG. ALDEN:

Through the Chair?

CHAIRMAN CARACCILOLO:

Yes, Legislator Alden.

LEG. ALDEN:

Just on the resolutions that we're just about to table right now, or retable; is there anything that's time sensitive that anybody knows about that might be ••

CHAIRMAN CARACCILOLO:

Counsel?

MS. KNAPP:

I would just defer to Budget Review on 2065; does that have to be done, 2065?

MR. MINEI:

Could I respond to that, please?

CHAIRMAN CARACCILOLO:

Yes, go ahead, Vito.

MR. MINEI:

On the time sensitive issue, 2072, Legislator Alden, that was the one where there was some confusion about who could sign on behalf of the County Executive. We have an application before the DEC and time is sensitive with regard to that application, I'd request, you know, preferable ••

CHAIRMAN CARACCILOLO:

All right, we don't have that on our agenda, Vito.

MS. JULIUS:

We don't have it on our agenda.

MR. MINEI:

2072?

CHAIRMAN CARACCILOLO:

2072?

MR. MINEI:

I'm sorry.

LEG. LOSQUADRO:

This is Budget.

MR. MINEI:

I guess that answers a few questions about me.

LEG. LOSQUADRO:

It's been a long day.

MR. MINEI:

I'll see you guys later. Thank you very much.

LEG. LOSQUADRO:

We'll see you in a few minutes.

CHAIRMAN CARACCILOLO:

No, about ten minutes. Vito, don't go far, we'll be out of here in about ten minutes.

MR. ZWIRN:

You have to excuse him, he thinks it's Tuesday at 9:30.

CHAIRMAN CARACCILOLO:

Mr. Zwirn?

MR. ZWIRN:

No, I don't have ••

CHAIRMAN CARACCILOLO:

Is there anything that you would like us to address that's on the table calendar?

MR. ZWIRN:

No.

CHAIRMAN CARACCILOLO:

No, okay. So we have unanimous consent then to •• do we need a motion, Madam Chair; I mean, Counsel?

MS. KNAPP:

You just need a motion and a second to take them all ••

LEG. LINDSAY:

He had raised the issue of 2065, did you determine what that ••

LEG. ALDEN:

Budget Review didn't speak on it.

CHAIRMAN CARACCILOLO:

2065•05 • Amending the 2005 Operating Budget and transferring funds to the appropriate Debt Services Account to pay debt service costs associated with the Environmental Facilities Corporation (County Executive).

MS. VIZZINI:

Yeah, what this was was certain Capital Projects were paid from the Environmental Facilities monies and this is the associated debt service for those projects. It has to do with the acquisition of land.

CHAIRMAN CARACCILOLO:

Is there a desire to move on that resolution?

LEG. LINDSAY:

Yeah, I'll make a motion.

LEG. MONTANO:

Second.

CHAIRMAN CARACCILOLO:

Motion by Legislator Lindsay, second by Legislator Montano to approve 2065. All in favor? Opposed? Abstentions? Unanimous, okay. **Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

All right, so then that brings us to **1964•05 • Repealing Home Heating Nuisance Tax on Suffolk County residents (Alden).** Motion to table by Legislator Alden, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

Same motion on **2003•05 • Amending the 2005 Operating Budget and transferring funds for West Babylon School District Wellness Program (Bishop).** Same motion, same second, same vote. **Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

Same motion, same second, same vote on **2005•05 • Amending the 2005 Operating Budget to create one new position in the Tobacco Cessation Program within the Department of Health Services (Viloria •Fisher).**

LEG. VILORIA•FISHER:

Mr. Chair, if I might?

CHAIRMAN CARACCILOLO:

Yes, to table?

LEG. VILORIA•FISHER:

I'm here on that to ask that it be approved.

CHAIRMAN CARACCILOLO:

Okay. Would you like to comment?

LEG. VILORIA•FISHER:

Yes, 2005 which is to create one new position in the Tobacco Cessation Program within the Department of Health Services. The reason this is compelling is because there has been a position that is not a vacant position, there is a person •• there is a nurse in that position, however she has been deployed to Iraq and so the position has been virtually empty and there have been cessation classes that have had to be •• have been canceled during the time that she's in Iraq.

Naturally, we don't want to fill •• well, we can't fill the position for someone who is deployed, that position is held for her. What we're doing is moving a position that's vacant in another area so that we can have a nurse practitioner so that our Tobacco Cessation Program can continue to function in its full capacity. It's people from the American Cancer Society had spoken with me about this, it's a problem for individuals who are attempting to quit smoking who are expecting to attend classes and then find that the classes have been cancelled. So this was with the help of AME, Cheryl Felice helped me with this to try to figure out a way to do this and protect the job, and Budget Review, this is the plan that they came up with.

CHAIRMAN CARACCILOLO:

Okay. I note on the resolution that the vacancy would be filled by a Governmental Liaison Officer position at the same grade. Does Budget Review have anything from a budgetary standpoint, Civil Service perspective that the committee should know as far as this resolution?

MS. VIZZINI:

No, the one title would be created and it would be offset by abolishing the Government Liaison Officer which is the grade 26.

CHAIRMAN CARACCILOLO:

Okay.

LEG. MONTANO:

I have a question.

CHAIRMAN CARACCILOLO:

Legislator Alden.

LEG. ALDEN:

Is Rick ahead of me?

CHAIRMAN CARACCILO:

No, you were next and then him.

LEG. ALDEN:

Okay. To the sponsor; Vivian, you want this to continue next year? Say for instance a woman gets •• you know, she's a female, right, soldier?

LEG. VILORIA • FISHER:

Yes.

LEG. ALDEN:

Okay. So if she gets deployed back to the United States and she's out of her commitment to serve, she's going to come back to her title. Do we need two people at that point or what's your plan at that point?

LEG. VILORIA • FISHER:

Well, actually I think it would be great to have two people because we don't have enough people in the Tobacco Cessation Program. But when I spoke about this with Cheryl, she said that there has been precedent for having someone come in and know that it's •• what was it called, Gail, contingent permanent, that there would be the understanding that ••

MS. VIZZINI:

Yes, her position is being held for her.

LEG. VILORIA • FISHER:

Yeah, that position is being held. He's talking about the person we would be hiring in the position that we're creating. It's a provisional position, it's not a permanent position.

LEG. ALDEN:

Okay. And sometimes there is a problem recruiting and then filling that position; how long would this take to •• do we have somebody in mind that

could come in as an educator and do this?

LEG. VILORIA•FISHER:

I don't know of someone who's •• I don't know if •• I don't have anyone in mind, we would have to recruit for this.

LEG. ALDEN:

How long do you envision taking to fill it?

LEG. VILORIA•FISHER:

I don't know but the Health Department seems to think that there are people that they can reach out to fill this position. It's such a critical need because the success of the Tobacco Cessation Program depends on it.

LEG. ALDEN:

And Vivian, we have to do something for the '06 then, too, right? Because this can only cover '05, correct?

LEG. VILORIA•FISHER:

I guess we'd have to do it again next month.

LEG. ALDEN:

Okay.

LEG. VILORIA•FISHER:

Gail, would we, or maybe we don't.

MS. VIZZINI:

No, if this position is added to the budget, it's carried over.

LEG. VILORIA•FISHER:

Okay, so we wouldn't have to.

LEG. ALDEN:

But aren't we ••

LEG. VILORIA•FISHER:

It's carried over because it's a position.

LEG. MONTANO:

But is it budgeted?

LEG. VILORIA • FISHER:

Yeah, because we've •• it's a negative budget impact because we've removed a position, the Government Liaison.

CHAIRMAN CARACCILOLO:

Abolished and created.

LEG. VILORIA • FISHER:

So it's a negative budget impact. I mean, it's a neutral budget impact.

CHAIRMAN CARACCILOLO:

Neutral. Legislator Montano.

LEG. MONTANO:

Yeah, I just want to make sure I understand this. We're creating the new position because the position that's there now is vacant? I'm not sure I understood the explanation.

MS. VIZZINI:

There is a Clinical Nurse Practitioner there, the same title, but the ••

LEG. MONTANO:

But it's not filled.

LEG. VILORIA • FISHER:

She's in Iraq.

MS. VIZZINI:

Well, the person has rights to it, but they're serving in Iraq.

LEG. MONTANO:

Okay.

MS. VIZZINI:

The department is reluctant to allow the filling of that position. Therefore, the sponsor thought the best thing to do would be to create a nice, clean, new position offset by abolishing another position.

LEG. VILORIA•FISHER:

In other words, for the program to work ••

MS. KNAPP:

This will be a second. This will now be then a second position ••

LEG. VILORIA•FISHER:

A second position, yes.

MS. KNAPP:

•• but only one body because the first person is in Iraq. But if the first person comes back from Iraq, there will be two Clinical Nurse Practitioners.

LEG. MONTANO:

And then when the person comes back from Iraq ••

MS. KNAPP:

There will be two Clinical Nurse Practitioners.

LEG. VILORIA•FISHER:

And then we would have to make a decision then as to what we're doing, but the person would be hired provisionally.

LEG. MONTANO:

When you say we'd have to make a decision, we have to make a decision on letting the person go ••

LEG. VILORIA•FISHER:

Yeah.

LEG. MONTANO:

•• or refunding a position?

LEG. VILORIA•FISHER:

Refunding the position or not.

LEG. MONTANO:

My question is why wasn't this done in the budget process, is the question I had would have.

LEG. VILORIA•FISHER:

Actually, I had put in this •• because actually it's a budget neutral, it's budget neutral. It's removing one position and adding another, it doesn't affect the budget.

LEG. MONTANO:

No, but my question is not does it affect the budget, why wasn't this dealt with in the budget process?

LEG. VILORIA•FISHER:

Actually I had laid this on the table in September.

LEG. MONTANO:

Well, what ••

LEG. VILORIA•FISHER:

I had laid this on the table in September.

LEG. MONTANO:

Does that mean •• never mind.

CHAIRMAN CARACCILOLO:

Legislator Fisher, do you know when the incumbent employee will return from service?

LEG. VILORIA•FISHER:

No, I don't have that information ••

CHAIRMAN CARACCILOLO:

Okay.

LEG. VILORIA • FISHER:

•• when her tour of duty would be over

CHAIRMAN CARACCILOLO:

Okay. All right, so we have the resolution before us. Does the County Executive's Office have a comment or a position on the resolution?

MR. ZWIRN:

No, I didn't •• we care about our soldiers, certainly. This position would not replace the individual who's serving our country in Iraq, by any means. I was not aware that we had somebody who is sitting in this position was not here, so I'm sort of surprised myself. The only thing I would be curious is as to when she is coming back, if she knows; I mean, I know it's not specific dates anymore.

CHAIRMAN CARACCILOLO:

Well, under Federal Law she's entitled to her job back.

MR. ZWIRN:

And we agree with that wholeheartedly, she should have her job back and she will have her job back. This is something a little different.

CHAIRMAN CARACCILOLO:

Right. So I guess the question before the committee •• and the one that you really alluded to, Legislator Montano •• is what happens in '06 when the incumbent returns and we have two people in that position? That's something for the Legislature to take up at that time.

LEG. ALDEN:

Through the Chair?

CHAIRMAN CARACCILOLO:

Legislator Alden?

LEG. ALDEN:

Yeah, I would suggest that, you know, we think about this. But for '06, I don't think it's such a bad idea to have more than one educator.

CHAIRMAN CARACCILOLO:

Right.

LEG. ALDEN:

You know, there's a little bit of a need out there, so.

CHAIRMAN CARACCILOLO:

Okay. So we have a motion. Do we have a second on the motion?

MS. JULIUS:

We have no motion.

CHAIRMAN CARACCILOLO:

I'll make a second. We have a motion by Legislator Alden.

LEG. VILORIA • FISHER:

Thank you.

MS. JULIUS:

Second?

CHAIRMAN CARACCILOLO:

I'll second it. All in favor? Opposed? Abstentions?

Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).

I'm going to make a motion to table ***2015•05, Adopting Local Law No. 2005, a Charter Law to provide for enhanced transitional public safety sales and compensating use tax revenue payments to certain towns and villages (Caracciolo).***

LEG. LOSQUADRO:

Second.

CHAIRMAN CARACCILOLO:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. ***Tabled (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).***

Same motion on ***2035•05 • Adopting fiscal discipline tax constraint (mandated) Operating Budget with Suffolk Resident Safety Net for 2006 through Smart Management (County Executive).*** Same motion, same second, same vote. ***Tabled (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).***

2036•05 • Adopting fiscal discipline tax constraint (discretionary) Operating Budget with Suffolk Resident Safety Net for 2006 through Smart Management (County Executive). Same motion, same second, same vote. ***Tabled (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).***

2065 we approved.

2090•05 • Amending the Suffolk County Classification and Salary Plan in connection with new sanitarian positions in the Department of Health Services (Binder). Motion to table, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. ***Tabled (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).***

And same motion, same second, same vote on ***2141•05 • Adopting Local Law No. 2005, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).*** ***Tabled (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).***

Introductory Prime Resolutions

Which brings us to Intros which are all housekeeping.

2198•05 • To readjust, compromise and grant refunds and chargebacks on real property correction of errors by: County Legislature (Control #744•2005)(County Executive). Motion by the chair, second by Legislator Lindsay. All in favor? Opposed? Abstentions? **Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

Same motion, same second on **2224•05 • To readjust, compromise and grant refunds and chargebacks on real property correction of errors by: County Legislature (Control #743•2005)(County Executive).** All in favor? Opposed? Abstentions? **Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

And **2296•05 • To readjust, compromise and grant refunds and chargebacks on Correction of Errors/County Treasurer by: County Legislature No. 224 (County Executive).** Same motion, same second. All in favor? Opposed? Abstentions? Unanimous, **approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

Sense Resolutions

Sense Resolution 080•2005 • Memorializing Sense Resolution in support of a real property tax exemption for active duty military personnel in combat zone (Kennedy). Motion by the Chair, second by Legislator Lindsay. All in favor? Opposed? Abstentions? **Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

Same motion •• Legislator Losquadro will make the motion on **Sense 083 •2005 • Sense of the Legislature Resolution in opposition to a New York City Commuter Tax (Losquadro),** second by Legislator Lindsay. All in favor? Opposed? Abstentions? **Approved (VOTE: 5•0•0•2 Not Present: Legislators Carpenter & O'Leary).**

That's it. We are adjourned.

(* The meeting was adjourned at 2:45 P.M. *)

***Legislator Michael Caracciolo, Chairman
Budget & Finance Committee***